

New York, NY (January 11, 2023) – The Legal Aid Society, Legal Services NYC, and Selendy Gay Elsberg PLLC issued the below statement following arguments in the United States Court of Appeals for the Second Circuit on two cases involving the [Housing Stability and Tenant Protection Act of 2019](#) (HSTPA), a historic package of bills that extended protections for millions of rent-stabilized tenants across New York State and closed loopholes that the Legislature found to be defeating the purpose of New York’s Rent Stabilization Law:

“Both U.S. Supreme Court and U.S. Court of Appeals precedents clearly uphold the constitutionality of rent stabilization in New York State, and we were glad to argue that distinct point today in court.

“The HSTPA merely closed statutory loopholes in a law and removed prior provisions of the law which led to tenant displacement.

“We look forward to a ruling which dismisses these meritless and frivolous lawsuits, and will fight to protect the HSTPA from all other future legal challenges.”

Background:

The [Housing Stability and Tenant Protection Act of 2019](#) (HSTPA) was signed into law on June 14, 2019, expanding protections for New Yorkers in rent-stabilized housing and strengthening New York’s longstanding rent stabilization laws. Specifically, HSTPA enacted [significant changes](#) to preferential rent, vacancy increases, major capital improvements and individual apartment improvements, rent increases, owner occupancy provisions, high-rent/high-income decontrol, and many other areas.

Following the implementation of HSTPA, several lawsuits were filed that sought to dismantle HSTPA and New York’s Rent Stabilization Law, arguing that the law was an unconstitutional physical taking of private property without fair compensation. The two lawsuits argued today include [Building and Realty Institute Of Westchester and Putnam Counties, Inc., et al. v. State Of New York, et al.](#), [Community Voices Heard and G-Max Management, Inc., et al. v. State Of New York, et al.](#), [N.Y. Tenants and Neighbors, et al.](#), which were filed in December 2019 and January 2020, respectively, in the U.S. District Court for the Southern District of New York by several New York City and Westchester County landlords and landlord associations.

In March 2020, Legal Aid and co-counsel filed motions to intervene on behalf of N.Y. Tenants and Neighbors (T&N) and Community Voices Heard (CVH), in defense of HSTPA. Counsel successfully argued that T&N and CVH have the right to intervene as these organizations represent thousands of members who are rent stabilized tenants and who stand to lose their homes if the landlord groups succeed. Legal Aid on behalf of CVH and T&N has also intervened in three similar suits pending in New York federal courts: [Community Housing Improvement Program, et al. v. City of New York](#), [335-7 LLC v. City of New York](#) and [74 Pinehurst LLC et al. v. State Of New York et al.](#) All five cases were previously dismissed by the lower court.

The aforementioned cases are all currently pending in the U.S. Court of Appeals for the Second Circuit.

The team at Selendy Gay Elsberg includes Caitlin Halligan, Sean Baldin, Michael Duke, Babak Ghafarzade, and Katya Stynes.

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Legal Services NYC fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. For over 50 years, LSNYC has challenged systemic injustices that trap people in poverty and helped clients meet basic needs for housing, income and economic security, family and immigration stability, education, and health care. LSNYC fights every day to ensure New Yorkers and their families have access to the services, resources, and protections they need to survive.
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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>

Selendy Gay Elsberg is a premier litigation law firm based in New York. In addition to its commercial trial, appellate and arbitration practices, the firm has a foundational commitment to public interest and pro bono work. Selendy Gay Elsberg regularly takes on substantial pro bono individual and class representations, supporting legal service organizations and partnering with federal, state, and local government officials to identify cases where the firm can make a meaningful contribution. In 2022, Chambers and Partners named Selendy Gay Elsberg “Outstanding Firm for Pro Bono in the U.S.”

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